

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:)	
)	
CATHY LARNEISA THURMAN)	CASE NO. 10-81698
DEBTOR)	CHAPTER 13
)	

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

COMES NOW Wells Fargo Bank, NA (hereinafter “Movant”) a secured creditor, by and through counsel, Brock and Scott, PLLC, objecting to confirmation of the Debtor’s Chapter 13 Plan, and respectfully shows the Court:

1. On September 21, 2010, the Debtor, Cathy Larneisa Thurman filed a petition with the Bankruptcy Court for the Middle District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. The Debtor holds title to the real property (hereinafter “Collateral”) described in that Deed of Trust recorded in the Durham County Register of Deeds in Book 5831 at Page 769 and recorded on December 28, 2007 (hereinafter “Deed of Trust”) with an address of 9 Halyard Court, Durham, NC 27713. A copy of the Deed of Trust is attached hereto and is incorporated herein as Exhibit “A”.
3. Movant holds a Promissory Note secured by the Deed of Trust from the Debtor in the original principal amount of \$113,422.00 and dated December 21, 2007 (hereinafter “Note”). A copy of the Note is attached hereto and incorporated herein as Exhibit “B”.
4. Upon information and belief, the approximate payoff due and owing to Movant as of April 1, 2011 is \$119,507.44.
5. Debtor’s plan proposes to modify the terms of the mortgage. The terms presented have not been agreed upon by Wells Fargo and are contrary to 11 USC 1322 and 1325.
6. Movant will suffer irreparable harm with respect to Movant’s interest in the Collateral if the Plan is confirmed as filed.

WHEREFORE, the Movant prays the Court as follows:

1. Deny confirmation of the proposed plan.
2. Grant Movant all further relief as the Court deems just and proper.

This, the 25th day of March, 2011.

BROCK AND SCOTT, PLLC

/s/ Sean M. Corcoran

Sean M. Corcoran

Attorney for Movant

5121 Parkway Plaza Drive, Suite 300

Charlotte, NC 28217

(704) 369-0676

State Bar Number 33387

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:)	
)	
CATHY LARNEISA THURMAN)	CASE NO. 10-81698
DEBTOR)	CHAPTER 13
)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that he/she is over eighteen (18) years of age and that the OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN in the above captioned case were this day served upon the below named persons by mailing, postage prepaid, first class mail a copy of such instrument to each person(s), parties, and/or counsel at the addresses shown below:

Cathy Larneisa Thurman
PO Box 51361
Durham, NC 27717

Mr. John T. Orcutt
Via electronic notice

Mr. Richard M. Hutson, II
Via electronic notice

This 25th day of March, 2011.

Brock and Scott, PLLC

/s/ Sean M. Corcoran
Sean M. Corcoran
Attorney for Movant
Brock & Scott, PLLC
5121 Parkway Plaza Drive, Suite 300
Charlotte, NC 28217
(704) 369-0676
State Bar Number 33387